

JUDGE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	NO. CR05-168JCC
)	
v.)	STIPULATION AND ORDER
)	EXTENDING MOTIONS FILING
ALBERT NIEBOER,)	DEADLINE AND CONTINUING
)	TRIAL DATE
<i>Defendant.</i>)	
_____)	

Plaintiff United States of America and defendant ALBERT NIEBOER, by and through their undersigned counsel of record, hereby stipulate and agree to extend the deadline for filing motions from May 19, 2005, to June 23, 2005, and to a continuance of the trial date from June 20, 2005, to July 25, 2005. This continuance is requested, and required in the interest of justice, for the following reasons.

Plea negotiations are ongoing, and the parties fully expect this case to be resolved without the need for a trial. However, the initiation of plea discussions was delayed for two weeks by defense counsel's previously scheduled trip abroad. During the past week, the Assistant United States Attorney has been unavailable. Further complicating these discussions is the fact that the defendant is a Canadian citizen who has been released on conditions, and thus requires permission to reenter the country to meet with his counsel to review discovery. There have been no previous extensions or continuances.

Accordingly, the parties request an extension of the motions filing deadline from May 19, 2005, to June 20, 2005, and a continuance of the trial date from June 20, 2005,

**STIPULATION AND ORDER EXTENDING
MOTIONS FILING DEADLINE AND
CONTINUING TRIAL DATE;
CR05-168JCC - 1**

to July 25, 2005. Failure to grant a continuance would unreasonably deny defense counsel the time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(8)(B)(iv).

Defense counsel represents to the Court that the defendant agrees to the requested continuance of the trial date and that the defendant will execute a Waiver of Speedy Trial, waiving his rights under the Sixth Amendment and the Speedy Trial Act. 18 U.S.C. §3161, *et. seq.*, and agreeing that the period from June 20, 2005, until the new trial date shall be an excludable period of time pursuant to 18 U.S.C. §3161(h)(8)(A).

DATED this 10th day of June, 2005.

RICHARD J. TROBERMAN, P.S.

By: _____
RICHARD J. TROBERMAN
WSBA #6379
Attorney for Defendant
Troy L. Taylor

JOHN McKAY
United States Attorney

By: _____
JILL OTAKE
Assistant U.S. Attorney

ORDER

Based upon the above stipulation of the parties, and for the reasons set forth therein, the Court finds that, pursuant to 18 U.S.C. §3161(h)(8)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial, and that the period of delay resulting from this continuance shall be excluded in computing the time within which the trial of this matter must commence. Accordingly,

IT IS HEREBY ORDERED that, subject to the Court's receipt of an appropriately

completed Speedy Trial Waiver, the motion filing deadline in the above entitled cause shall be continued from May 19, 2005, to June 23, 2005, and it is

FURTHER ORDERED that the trial date is continued from June 20, 2005, to July 18, 2005.

DATED this 10th day of June, 2005.



UNITED STATES DISTRICT JUDGE